IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.10567 of 2004
WRIT PETITION No.11216 of 2004
WRIT PETITION No.11221 of 2004
WRIT PETITION No.11222 of 2004

W.P.No.10567 of 2004 :

Between:
Smt. Tadkapalli Renuka W/o. Yadagiri
Vivekananda Nagar Colony, Siddipet, Medak District.

..... PETITIONER

AND

1 The District Collector, Medak District, Sanga Reddy.
2 The Revenue Divisional Officer, Medak Dist, Siddipet.
3 The Mandal Revenue Officer, Siddpet Mandal, Siddipet, District.
4 The Executive Officer/Secretary, Gramapanchayat, Lingareddypally, Village, Siddipet Mandal, Medak District.
5 The Executie Officer/Secretary, Gramapanchayat, Prashanth Nagar Village, Siddipet Mandal, Medak District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate direction or Writ more particularly one in nature of Writ of Mandamus by declaring the arbitrary action of the Respondents No. 3 to 5 in not allow this Petitioner to construct a House in R.S.No.1498, is an extent of 5 Guntas of land in Prashanth Nagar village and Grampanchayat assigned to this Petitioner by the Mandal Revenue Officer, Siddipet Mandal, Vide Proceedings No. B/5730/1993, Dt. 23.09.1993 and the steps taken against the Petitioner by the Respondents No.3 to 5 to dispossess this Petitioner from the land assigned to her by the M.R.O. Siddipet Mandal, vide proceeding stated above is as arbitrary, illegal and violation of Articles 14 and 19 (1) (e) of the Constitution of India by confirming the above assignment in favour of this petitioner.

Counsel for the Petitioner : MR.P.G.PRAKASH RAO

Counsel for the Respondents : GP FOR REVENUE

W.P.No.11216 of 2004 :

Between:
Sri Nakkala Ojalu, S/o. Mallaiah,
R/o. Vivekananda Nagar Colony, Siddipet, Medak District.

..... PETITIONER

AND

1 The District Collector, Medak District, Sanga Reddy.
2 The Revenue Divisional Officer, Medak District, Sanga Reddy.
3 The Mandal Revenue Officer, Siddipet Mandal, Siddipet, Medak District.
4 The Executive Officer/ Secretary Gramapanchayat, Lingareddypally Village, Siddipet Mandal, Medak District.
5 The Executive Officer/ Secretary Gramapanchayat, Prashanth Nagar Village, Siddipet Mandal, Medak District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate direction or Writ more particularly one in nature of Writ of Mandamus by declaring the arbitrary action of the respondents No. 3 to 5 have been taken steps to dispossess me from the land in R.S.No. 1498, is an extent of 5 guntas of land in Prashanth Nagar Village and Grampanchayat assigned to this petitioner by the Mandal Revenue Officer, Siddipet Mandal, Vide Proceedings No.B/5730/A/1993, Dated 23-09-1993 and to confirm the above patta land assigned to me vide proceeding stated above which the Acts of the Respondents is violation of Articles 14 and 19(1)(e) of the Constitution of India.

Counsel for the Petitioner : MR.P.G.PRAKASH RAO

Counsel for the Respondents : GP FOR REVENUE

W.P.No.11221 of 2004 :

Between:
Smt.Uppala Madhavi, W/o.Narsimhulu,
R/o.Subhash Nagar Colony, Siddipet,Medak Dist.

..... PETITIONER

AND

1 The Dist.Collector, Medak Dist.Sanga REddy.
2 The Revenue Divi.officer, Medak Dist.Siddipet.
3 The M.R.O.,Siddipet Mandal, Siddipet,Medak Dist.
4 The Exe.officer/Secretary, Grampanchayat, Lingareddypally Village, Siddipet Mandal,Medak Dist.
5 The Exe.officer/Secretary, Gramapanchayat, Prashanth Nagar Village, Siddipet Mandal, Medak Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate direction or writ more particularly one in nature of writ of Mandamus by declaring the arbitrary action of the Respondents No.3 to 5 have been taken steps to dispossess me from the land in R.S.No.1498, is an extent of 5 guntas of land in Prashanth Nagar village and Gram Panchayat assigned to this petitioner by the Mandal Revenue officer, Siddipet Mandal, vide proceedings No.B/5730/E/1993, dated 23-09-1993 and to confirm the above patta land assigned to me vide proceedings stated above which the Acts of the Respondents is violation of Articles 14 and 19(1) (e) of the Constitution of India.

Counsel for the Petitioner : MR.P.G.PRAKASH RAO

Counsel for the Respondents : GP FOR REVENUE

W.P.No.11222 of 2004 :

Between:
Smt.Banka Papavva, w/o Kistaiah,
r/o Subhash Nagar Colony, Siddipet, Medak District.

..... PETITIONER

AND

1 The District Collector, Medak District, Sanga Reddy.
2 The Revenue Divisional Officer, Medak District, Siddipet.
3 The Mandal Revenue Officer, Siddipet Mandal, Siddipet, Medak District.
4 The Executive Officer/Secretary, Gramapanchayat, Lingareddypally Village, Siddipet Mandal, Medak District.
5 The Executive Officer/Secretary, Gramapanchayat, Prashanth Nagar Village, Siddipet Mandal, Medak District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate direction or writ more particularly one in nature of writ of mandamus by declaring the arbitrary action of the respondents No.3 to 5 have been taken steps to dispossess me from the land in R.S.No.1498, is an extent of 5 guntas of land in Prashanth Nagar Village and Gramapanchayat assigned to this petitioner by the Mandal Revenue Officer, Siddipet Mandal, Vide Proceedings No.B/5730/ /1993, dated 23-09-1993 and to confirm the above patta land assigned to me vide proceeding stated above which the Acts of the respondents is violation of Articles 14 and 19(1)(e) of the Constitution of India.

Counsel for the Petitioner : MR.P.G.PRAKASH RAO

Counsel for the Respondents : GP FOR REVENUE

The Court made the following :
COMMON ORDER :

The petitioners in these writ petitions are residents of Vivekananda Nagar Colony, Siddipet in Medak District. They seek a writ of mandamus declaring the action of respondents 3 to 5, namely the Mandal Revenue Officer, Siddipet Mandal and the Executive Officers of Lingareddipally and Prashanth Nagar Panchayats, in not allowing the petitioners to construct the house in R.S.No.1498 in an extent of 0-05 gts. of land as illegal and arbitrary. They also seek a direction to the respondents not to dispossess the petitioners from the land.

All the petitioners allege that they were assigned 0-05 gts. of land each in Survey No.1498 admeasuring Ac.3-15 gts. of Lingareddipally and Prashanth Nagar Gram Panchayats. The land is known as ‘Chakalivani Kunta’ and had been allegedly in possession of Rajakas of the villages. All the petitioners approached the respective Gram Panchayats for construction of houses on the land allotted to them, but no orders are passed by the Gram Panchayats. When the petitioners were taking up construction in the assigned land, respondents 3 to 5 are obstructing and trying to dispossess them without due process of law. Therefore, they filed the present writ petitions.

This Court while admitting the writ petitions directed the respondents not to dispossess the petitioners. Respondents 1 to 3 moved this Court by filing applications praying this Court to vacate the interim order. As the

controversy is in the narrow fields, the matters are being disposed of at the interlocutory stage itself. In the counter affidavit filed by the Mandal Revenue Officer, the allegation that the petitioners were assigned pattas has been denied. It is alleged that the pattas produced by this Court are fabricated and that the petitioners are not in possession of the land. It is further stated that the land in Survey No.1498 is classified as Chakalivani Kunta (Tank bed) and as per the Assignment Rules and the Government Memo
dated 8-2-1999 the assignment of Tank bed land is prohibited. The land is not in possession of anybody and that the certificates produced by the petitioners are forged documents.

All the petitioners have filed copies of Special Laoni Land Certificates issued by the Mandal Revenue Officer, Siddipet. A reading of these would show that they were duly stamped and signed by the Mandal Revenue Officer on the date of issue. They contain the names of the petitioners as well as the File Number. Therefore, instead of deciding the question as to whether the petitioners were allotted pattas in respect of the land in Survey No.1498, this Court considers it appropriate to direct the Revenue Divisional Officer, Siddipet, Medak District, to conduct enquiry into the matter with reference to the Special Laoni Land Certificates (pattas) allegedly issued by the Mandal Revenue Officer. The enquiry shall be completed after giving notice and opportunity to the petitioners and after considering their explanation, if any. After enquiry, if it is found that the land occupied by petitioners is water body, the petitioners may be assigned land suitable for construction of houses. If the petitioners are in possession of the land, they shall not be dispossessed till completion of the enquiry by the Revenue Divisional Officer, as directed hereinabove. Till then there shall be *status quo* obtaining as on today.

These writ petitions are accordingly disposed of. No costs.

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(V.V.S.RAO, J.)

22-09-2004.
Msr.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The District Collector, Medak District, Sanga Reddy.
2 The Revenue Divisional Officer, Medak Dist, Siddipet.
3 The Mandal Revenue Officer, Siddpet Mandal, Siddipet, District.
4 The Executive Officer/Secretary, Gramapanchayat, Lingareddypally, Village, Siddipet Mandal, Medak District.
5 The Executie Officer/Secretary, Gramapanchayat, Prashanth Nagar Village, Siddipet Mandal, Medak District.
6. 2CCs to Government Pleader for Revenue, High Court Buildings, Hyderabad.
7. 2CD copies

HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.10567 of 2004
WRIT PETITION No.11216 of 2004
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22-09-2004.
(Msr)